

**Notice of Allowability**

Application No.

09/693,369

Applicant(s)

SHORT, JOEL E.

Examiner

Art Unit

Paul Callahan

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Proposed Amendment and Interview Conducted 5-3-05.
2. ☒ The allowed claim(s) is/are 1-4,6-10,12-14,17 and 19-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5-3-06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                        |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                                                    |

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, when taken together with the changes made to the language of the claims in the proposed amendment discussed during the interview conducted with the Applicant's representative on 5-3-06 and which are incorporated in the Examiner's Amendment made a part of this Office Action, is persuasive and, therefore, the finality of that action is withdrawn.

2. Claims 1-4, 6-10, 12-14, and 16-23 were pending in this application at the time of the previous Office Action. Claims 16 and 18 are now cancelled by the proposed amendment submitted 5-3-06. Therefore claims 1-4, 6-10, 12-14, 17, and 19-23 are pending in this application and have been examined.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chad Thorson on 5-3-05. The application has been amended as follows:

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IN THE CLAIMS:

Claim 1: The underlined text is appended to claim 1, the insertion beginning at the end of the last line:

network device and a second end point at the first network service; and

providing simultaneous access to a tunnel access session to more than one subscriber accessing the communications network.

wherein the subscriber profile defines tunneling requirements for the plurality of network services that the subscriber has been authorized to access.

Claim 9: The underlined text is appended to claim 9, the insertion beginning at the end of the last line:

first end point at the network device and a second end point at the first network service,

wherein the means for creating a first tunnel is capable of providing simultaneous access to a tunnel access session to more than one subscriber accessing the communications network, and

wherein the subscriber profile defines tunneling requirements for more than one network services that the subscriber has been authorized to access.

Claim 12: The underlined text is appended to claim 12, the insertion beginning at the end of the last line.

device and the network service,

          wherein the tunnel management module is capable of providing simultaneous access to the tunnel access session to more than one subscriber accessing the communications network through the network device, and

          wherein the subscriber profile defines tunneling requirements for the more than one network services that the subscriber has been authorized to access.

Claim 16: Claim 16 is cancelled.

Claim 17: The first line of claim 17 is amended as follows:

The network device of Claim ~~[[16]]~~ 12, further

Claim 18: Claim 18 is cancelled.

Claim 19: The first line of claim 19 is amended as follows:

The network device of Claim ~~[[18]]~~ 12, wherein the

Claim 20: The first line of claim 20 is amended as follows:

The network device of Claim ~~[[18]]~~ 12, wherein the

***Allowable Subject Matter***

4. Claims 1-4, 6-10, 12-14, 17, and 19-23 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art in the field: Malkin, "Dial-in Virtual Private Networks Using Layer 3 Tunneling", IEEE, 1 1/1997, and Bots et al., International Application PCT/US98/12229, 12 June 1997, do not teach the combination of features of the claimed invention as set forth in the independent claims, particularly:

As for claim 1, providing simultaneous access to a tunnel access session to more than one subscriber accessing the communications network, and wherein the subscriber profile defines tunneling requirements for the plurality of network services that the subscriber has been authorized to access,

As for claim 9, wherein the means for creating a first tunnel is capable of providing simultaneous access to a tunnel access session to more than one subscriber accessing the communications network, and wherein the subscriber profile defines tunneling requirements for more than one network services that the subscriber has been authorized to access.

As for claim 12, wherein the tunnel management module is capable of providing simultaneous access to the tunnel access session to more than one subscriber accessing the communications network through the network device, and wherein the subscriber profile defines tunneling requirements for the more than one network services that the subscriber has been authorized to access.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

5-4-06

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

